

House Watch

A summary of today's House actions;
published daily when the House is in session.



2/26/08

MESSAGES FROM THE SENATE

[HB 4650](#)

(Condino)

The bill would create the "Uniform Foreign-Country Money Judgments Recognition Act" to do all of the following:

- Specify circumstances under which a Michigan court would have to, could, or could not recognize a foreign-country judgment granting or denying a sum of money.
- Prohibit a foreign-country judgment from being refused for lack of personal jurisdiction if certain conditions applied, and allow Michigan courts to recognize other bases of personal jurisdiction.
- Provide that a foreign-country judgment entitled to recognition would be conclusive between the parties and enforceable in the manner of a judgment rendered in Michigan.
- Specify that a party seeking recognition of a foreign-country judgment would have the burden of proving that the Act applied.
- Establish the procedure for seeking enforcement of a foreign-country judgment.
- Allow a court to stay proceedings if an appeal from a foreign-country judgment were pending.
- Allow an action to recognize a foreign-country judgment within the time the judgment was effective in the foreign country or 15 years, whichever was shorter.
- Specify the circumstances under which the proposed Act would apply.
- Repeal the Uniform Foreign Money-Judgments Recognition Act (MCL 691.1151-691.1150). "Foreign-country judgment" would mean a judgment of a court of foreign country. "Foreign country" would mean a government other than any of the following:
 - The United States.
 - A state, district, commonwealth, territory, or insular possession of the United States.
 - A federally recognized Indian tribe whose tribal court judgments are entitled to recognition and presumed to be valid under a court rule adopted by the Supreme Court.
 - Any other government with regard to which the decision in Michigan as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of the U.S. Constitution.

- Condino-2 was adopted
- The House concurred in the Senate substitute S-1 as amended [RC 92: 106 yes: 0 no]
- IE was ordered

FINAL PASSAGE

HB 4416

(Schuitmaker)

House Bill 4416 would require a real estate broker or real estate salesperson to perform certain duties and services under a service provision agreement. "Service provision agreement" would mean an agreement between a broker and client that established an agency relationship through a listing agreement or a buyer agency agreement. (This is the same definition as provided in the Michigan Administrative Code.) A broker could authorize a designated agent to represent the client, as long as the authorization was in writing.

- Committee substitute H-2 was not adopted
- Schuitmaker H-3 was adopted
- Farrah 2A was adopted
- HB 4416 advanced to 3rd Reading
- HB 4416 was passed [RC 94: 103 yes, 3 no]
- IE was ordered

HB 4417

(Farrah)

Under House Bill 4417, the written agency disclosure statement required of a real estate broker and real estate salesperson providing services under a service provision agreement would have to include the duties and services listed in House Bill 4416. The disclosure statement would also have to inform the client that certain individual services required to be provided by the real estate broker or salesperson could be waived by the seller or buyer if a separate waiver document was signed. The bill would also include the wording of the form that must be provided to a client who desired to waive any of the required services eligible to be waived under House Bill 4416.

- Committee substitute H-1 was not adopted
- Farrah substitute H-2 was adopted
- Farrah 2A was adopted
- HB 4417 advanced to 3rd Reading
- HB 4417 was passed [RC 95: 103 yes, 3 no]
- IE was ordered

SB 206

(Birkholz)

The bill (substitute H-2) would create the "Michigan Planning Enabling Act" to repeal and replace statutes that govern municipal, county, and township planning. Among other things, the bill would allow a local unit of government to adopt, amend, and implement a master plan; allow a local unit to adopt an ordinance creating a planning commission; require a planning commission to make and approve a master plan as a guide for development within the planning jurisdiction; allow a county planning commission to be designated as the metropolitan county planning commission to perform metropolitan and regional planning; require a planning

commission to review the master plan at least every five years; require a planning commission annually to prepare a capital improvements program; and provide that an existing master plan or charter provision or ordinance creating a planning commission would continue in effect under the proposed act, unless rescinded or repealed, subject to certain conditions. The bill would take effect September 1, 2008.

- Committee substitute H-2 was adopted
- Meadows substitute H-3 was withdrawn
- SB 206 advanced to 3rd Reading
- SB 206 was passed [RC 93: 105 yes, 1 no]
- IE was ordered

HB 4774

(Melton)

House Bill 4774 would amend the Michigan Election Law (MCL 168.509v & 168.509w) to allow an individual to apply to register to vote at any county, city, or township clerk's office in the state. Currently, the statute allows an individual to apply to register "at the office of a clerk of a county or the office of the clerk of the city or township in which the applicant resides." (Applications to register can also be made at an office of the Secretary of State or at "a designated voter registration agency," such as offices of the Department of Human Services, Department of Community Health, and the Michigan Jobs Commission.) The law requires the Department of State office, the designated voter registration agency, or the county clerk to transmit the application, not later than seven days after receipt, to the clerk of the county, city, or township where the applicant resides. House Bill 4774 would retain this requirement, and extend it to city and township clerks' offices, if the applicant does not live in that city or township. Finally, current law requires that if an application is made within seven days before the close of registration for a federal election, then the Department of State office, the designated voter registration agency, or the county clerk transmit the application, not later than one business day, to the clerk of the county, city, or township where the applicant resides. House Bill 4774 would extend this provision also to the county, city, and township clerks' offices.

- Committee amendment adopted
- HB 4774 advanced to 3rd Reading
- HB 4774 was passed [RC 96: 99 yes, 7 no]
- IE was ordered

HB 5739

(Pearce)

House Bill 5739 would amend the Michigan Election Law (MCL 168.509t) to specify that a person who registers to vote by mail could satisfy the identification requirement of the Help America Vote Act of 2002, and the requirement that he or she vote in person if a first-time voter by presenting a

valid form of identification to any county, city, or township clerk in Michigan. (See below for valid forms of identification.) A clerk who receives the identification and who is not the clerk where the elector is registered to vote would have to transmit to the clerk where the elector (voter) was registered a notice that the elector had satisfied the requirement. The notice would have to be transmitted in a manner prescribed by the Secretary of State. The clerk where the elector was registered would, upon receipt of the notice, be required to update the information in the qualified voter file.

- Committee amendments (2) were adopted
- HB 5739 advanced to 3rd Reading
- HB 5739 was passed [RC 97: 101 yes, 5 no]
- IE was ordered

HB 4456 (Pearce)

House Bill 4456 (H-2) would amend the Michigan Penal Code (MCL 750.394b) to prohibit a person from intentionally placing an item in or across a roadway, if the person knows or should know that the item is likely to come into contact with a moving vehicle or another person riding in or upon a moving vehicle; and also prohibits a person from intentionally placing a *dangerous* item in or across a roadway.

- Committee substitute H-2 was adopted
- HB 4456 advanced to 3rd Reading
- HB 4456 was passed [RC 98: 106 yes, 0 no]
- IE was ordered

HB 5663 (Donigan)

House Bill 5663 (H-1) would make complementary amendments to sentencing guidelines provisions in the Code of Criminal Procedure (MCL 777.16s) to create three new felony crimes against persons as follows:

-A class F crime of "reckless endangerment causing injury" having a maximum punishment of four years in prison.

-A class D crime of "reckless endangerment causing serious impairment" having a maximum sentence of 10 years in prison.

-A class C crime of "reckless endangerment causing death" having a maximum sentence of 15 years in prison.

House Bill 5663 is tie-barred to House Bill 4456

- Committee amendment was adopted
- HB 5663 advanced to 3rd Reading
- HB 5663 was passed [RC 99: 106 yes, 0 no]
- IE was ordered